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COMMITTEE ON ECONOMIC, SOCIAL
AND CULTURAL RIGHTS
Pre-Sessional Working Group
4-8 December 2000

IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

List of issues to be taken up in connection with the consideration of the second periodic report of Senegal concerning the rights referred to in articles 1-15 of the International Covenant on Economic, Social and Cultural Rights (E/1990/6/Add.25)

GE.00-46614 (E)

I. GENERAL INFORMATION

A. General legal framework within which human rights are protected

1. In the light of the Committee's decision to give effect to its follow-up procedure in the framework of the consideration of reports, the Committee would like to receive information from the State party on the specific measures it has taken to implement the recommendations contained in the concluding observations adopted by the Committee in 1994 in relation to Senegal's initial report.

2. What are the measures that have been taken by the State party, in accordance with the Committee's recommendations of 1994, to ensure that its structural adjustment programmes have been formulated and implemented in such a way as to provide adequate safety nets for the most disadvantaged and marginalized groups in Senegalese society?

3. Are all the rights contained in the Covenant guaranteed in the Senegalese Constitution? Are the Covenant rights justifiable? Have there been any cases in respect of these Covenant rights before the Senegalese courts?

4. Please give an indication of the State party's position on the recommendation of the World Conference on Human Rights in relation to the preparation of an optional protocol to the International Covenant on Economic, Social and Cultural Rights.

5. What are the difficulties, if any, faced by the State party to accede to or to ratify the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness?

B. Information and publicity relating to the rights recognized in the Covenant and other international instruments

6. Please provide updated information on the measures taken by the State party to inform the public at large, as well as civil servants, lawyers, judges and law enforcement officials, with regard to the rights contained in the Covenant, as well as with regard to other international human rights instruments.

II. ISSUES RELATING TO THE GENERAL PROVISIONS OF THE COVENANT (arts. 1-5)

Article 2.1. International cooperation

7. Does the State party ensure that its obligations under the Covenant are taken fully into account when it enters into negotiations concerning international assistance, technical cooperation and other arrangements with international organizations, in particular with international financial institutions?

8. Please indicate all the measures being implemented by the State party in order to protect and fulfil the economic, social and cultural rights of ethnic and religious minorities, people with disabilities, older persons and foreigners.

Article 3. Equal rights of men and women

9. Please elaborate on the progress achieved in the legislative, administrative and other spheres in implementing the principle of equal enjoyment of economic, social and cultural rights by men and women in Senegal.

10. What are the measures taken by the State party to prevent discrimination against women, particularly in the rural areas, on account of certain traditional customs?

11. Does traditional or customary law exist in Senegal and does it discriminate against women?

III. ISSUES RELATING TO SPECIFIC RIGHTS RECOGNIZED IN THE COVENANT (arts. 6-15)

Article 6. The right to work

12. Please provide statistics on the percentage of unemployment in the formal and informal sectors of the Senegalese economy over the past five years. What percentage of the unemployed, if any, receive social assistance? How does the State party address the problem of unemployment?

13. What specific measures have been taken to deal with the growing problem of unemployed men, aged between 20 and 34, living in urban areas?

Article 7. The right to just and favourable conditions of work

14. What are the measures taken by the State party to address the persistent and serious problem of children between the ages of 10 and 14 and under the age of 16 working in the agricultural, informal trading and other sectors where the minimum age or other workplace legislation is not being enforced?

15. There is no information that, in practice, workers do not avail themselves of the right to remove themselves from dangerous and unsafe work conditions and that legislation concerning workplace safety is not enforced. What steps have been taken to improve this situation?

16. What measures are being taken by the State party to reduce the disparity between the minimum wage and the average cost of living?

Article 8. Trade union rights

17. Please provide (a) statistics on the number and percentage of unionized workers over the past five years and (b) information about the new Labour Code insofar as it regulates the union rights of workers.

18. Please indicate the grounds on which a trade union can be dissolved by the Senegalese authorities.

19. Does the new Labour Code permit foreign workers to hold trade union offices, as recommended by the Committee in its concluding observations of 1994?

Article 9. The right to social security

20. Please provide more detailed information, including statistics, on the Senegalese system of social security, pensions and dues. Is the social security assistance provided under the scheme adequate in meeting the needs of the beneficiaries?

21. Please indicate whether there are any segments of the Senegalese population which are not covered by social security assistance.

Article 10. The protection of the family, women and children

22. According to information received by the Committee, violence against women is widespread in Senegal. What are the measures taken by the State party to combat this problem? Is there any legislation against domestic violence? Are there shelters for battered women?

23. Is polygamy outlawed in Senegal? Have public education programmes been adopted with regard to polygamy?

24. Legislation was passed in January 1999 making female genital mutilation (FGM) a criminal offence. How many cases have so far been brought to court? Is FGM being driven underground? Have public educational programmes been devised to combat FGM? What kind of progress has been achieved in this regard?

25. Please provide the Committee with more information regarding unaccompanied refugee children and the specific policies that have been adopted to address this problem

Article 11. The right to an adequate standard of living

26. Please provide updated information on the number of people who are now living below the poverty line, taking into account the disparities existing between the rural and urban areas and between men and women. What have been the urgent measures taken by the State party to remedy the situation and what have been its achievements so far?

27. Please discuss the housing situation in Senegal. Is there a shortage of housing in the urban areas, particularly in the Dakar metropolitan area, which accounts for one fifth of

Senegal's population? Does the State party have a policy of building social housing units, especially for the low-income groups, the poor and disadvantaged and marginalized groups?

28. Please provide updated statistical data, as well as social and demographic information, concerning homeless persons and vagrants. Please elaborate on the nature and extent of forced evictions in Senegal, in the light of the Committee's General Comment No. 7.

29. What are the steps being taken by the State party to provide adequate sanitation facilities in the rural areas?

30. Has the State party set up a national plan of action to tackle the chronic malnutrition of the Senegalese population, especially children?

Article 12. The right to the highest attainable standard of physical and mental health

31. Please explain in detail the measures taken by the State party to fulfil its obligations, and in particular its core obligations, referred to in the Committee's General Comment No. 14 on the right to health.

32. What steps are being taken to address the high mortality rate for women, young people, children and infants?

33. What percentage of the Senegalese population has access to the health services? Is it true that most of the health-care personnel are concentrated in the two largest cities, Dakar and Thiès? If so, how does the State party propose to improve the situation?

34. What steps are being taken to address the high incidence of disease due to lack of hygiene, as well as water-related diseases?

35. Please provide information on the measures that the State party has taken to control successfully the occurrence of HIV/AIDS in Senegal.

Articles 13 and 14. The right to education

36. What measures has the State party taken with regard to: (a) the average rate of primary and secondary school enrolments, which is well below the Sub-Saharan average, (b) the literacy rate among the adult and youth population, which is quite low, and (c) the large number of drop-outs among primary and secondary school pupils?

37. Is there legislation concerning free and compulsory primary education? If so, please provide information on how it is being implemented.

38. What measures are being taken by the State party to provide vocational training to women to enable them to find better employment opportunities?

39. Please provide information on human rights education at all levels of education.

40. Please provide information on whether ethnic groups and minorities are able to use their own languages at all levels of education.

Article 15. The right to take part in cultural life and to enjoy the benefits of scientific progress

41. What steps have been taken by the State party to promote participation in cultural life by the various ethnic groups and minorities? What measures are being taken to help those ethnic groups and minorities to become aware of, and preserve, their language, identity and cultural heritage?

42. Please provide updated information on the benefits and assistance given to the population, in general, and, in particular, to young persons, students, older persons, persons with disabilities and the disadvantaged and marginalized groups in society to participate in, and benefit from, the cultural activities of the State party.

43. How does the State party ensure the freedom of its citizens to seek and receive information on developments within Senegal or outside its territory?